IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 15603 of 2005

Between:

Kanakala Ramamurthy, S/o. Late Subba Raju,
Kulla (Vill), K. Gangavaram (M), E.G.District.

..... PETITIONER

AND

1. The Regional Joint Commissioner, Endowments Department

(Multi Zone-I), Kakinada, E.G.District.
2 The Asst. Commissioner, Endowments Department, Rajahmundry.
3 Sri Venkateswara Swamy Temple, rep. by its Manager/Executive

Officer, Kulla (V), K. Gangavaram (M), E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction or directions more particularly one in the nature of Writ of Mandamus declaring the notice (tom tom) of auction of lease hold rights dt. 10.07.2005 scheduled to be conducted on 21.07.2005, issued by the 3rd respondent in respect of land to the extent of Ac.5-00 cents in survey No.146/1, 143/4 of Kulla Village, K. Gangavaram Mandal, East Godavari District as illegal, arbitrary and violative of Art. 14, 19 and 21 of the Constitution of India apart from the same being contrary to the provisions of Act, 30/87 and the Rules made there under.

Counsel for the Petitioner: MR.M.VIJAY KUMAR

Counsel for the Respondent Nos. 1 & 2: GP FOR ENDOWMENTS

Counsel for the Respondent No.3: Smt. N. INDRANI.

The Court, at the stage of admission, made the following:

Oral order:-

The 2nd respondent, by the order dated 30-06-2005, rejected the application of the petitioner for being treated as a landless poor person claiming for the benefits under Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') on the ground that he possesses either as an owner or a cultivating tenant, land in excess of the limit, which entitles him to be treated as a landless poor person. Aggrieved, the petitioner preferred an appeal to the 1st respondent on 12-07-2005. Meanwhile, the 3rd respondent notified for auction for leasehold rights the lands of the 3rd respondent – Sri Venakteswara Swamy Temple, Kulla village, which were under the cultivation of the petitioner. Aggrieved whereby this writ petition is filed.

It is now represented by the learned counsel for the 3rd respondent that the scheduled auction was not held on account of the interim order granted in this writ petition.

In the circumstances, the writ petition is disposed of directing the 1st respondent, expeditiously and in any event within a period of one week from the date of receipt of a copy of this order, to consider and dispose of the appeal dated 12-07-2005 directed against the order of the 2nd respondent dated 30-06-2005. The 1st respondent shall set out the reasons for the appellate/revisional decision and communicate the same to the petitioner. The 3rd respondent is at liberty to proceed further with the auction proceedings depending upon the decision of the 1st respondent on the petitioner's appeal. No costs.

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GODA RAGHURAM, J

Dt. 22-07-2005

Pvks/*

To

1. The Regional Joint Commissioner, Endowments Department

(Multi Zone-I), Kakinada, E.G.District.

2 The Asst. Commissioner, Endowments Department, Rajahmundry.

3 The Manager/Executive Officer, Sri Venkateswara Swamy

Temple, Kulla (V), K. Gangavaram (M), E.G.District.

4. 2 CCs., to the learned Government Pleader for Endowments, A.P. High

Court Buildings, Hyderabad (OUT).

5. 2 CD copies

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